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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/807,455

Filing Date

March 24, 2004

First Named Inventor

Mitsugi CHONAN

Art Unit

3681

Examiner Name

David D. Le

Attorney Docket Number

032450R169

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):1. Request For New (Replacement) Office
Action (2 pages)

2. Copy of claim set (claims 1-4)

3. Copy of first page from corresponding
case 10/807,457 of specification of '457
application.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

Smith, Gambrell & Russell

Signature

Printed Name

Dennis C. Rodgers

Date

August 17, 2005

Reg.
No.

32,936

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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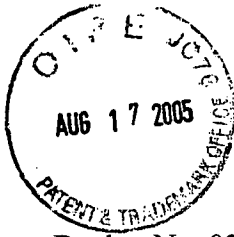
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Date

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Attorney Docket No. 032405R169

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitsugi Chonan, et al.

Serial No.: 10/807,455

Art Unit: 3681

Filed : March 24, 2004

Examiner: David D. Le

For : POWER TRANSMISSION SYSTEM OF ENGINE

REQUEST FOR NEW (Replacement) OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria VA 22313 - 1450

Sir:

In a review of the Office Action of June 27, 2005 it has become apparent that the wrong set of claims was considered during the generation of the Office Action's double patenting rejection.

In the Office Action claims 1-8 of the present case were rejected under a double patenting rejection based on "claims 1-8" of copending application (US Ser. No. 10/807,457) having the same title, inventor and assignee. However, the '457 application only has claims 1-4 (attached is a copy of the claim set and the first page of the specification which were pulled off the PAIR system relative to US Ser. No. 10/807,457).

It appears that there was an error on the part of the USPTO as to which claim set was attributed to the '457 case as claims 1-8 (likely the claims the presented case) were treated on the merits in that case rather than the proper claims 1-4.

It is respectfully requested that in view of the error as to which claims are attributable to the '457 application and the improper generation of a double patenting rejection based on the wrong claim set consideration in this '455 application, a new, replacement Office Action setting forth a new response date be mailed out prior to the running response date for the present case.

A similar new replacement office action request is being filed under separate cover for the noted '457 case as Claims 1-8 (likely the ones for the presented '455 case) were treated on the merits in that case rather than the proper claims 1-4.

Respectfully submitted,

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By:



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